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EXAMINER	
PARRY, CHRISTOPHER L	
ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/841,465	HABERMAN ET AL.	
	Examiner	Art Unit	
	Chris Parry	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 January 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *23 January 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 16, 19, 20, and 21 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's arguments (Page 14, Paragraph 3), stating Picco does not show or suggest assembling a non-interactive personalize message, the examiner respectfully disagrees. Picco discloses signal 70 in figure 2 comprises local content space 74, such that local content space reads broadly on a personalized message template, as a message is to be given its broadest interpretation as a text, image, audio, or signal that is communicated to a user. Further disclosed by Picco, the user's set-top box can detect local content space 74 or "a personalized message template" within in the video feed and insert a commercial, based on user preferences, into the local content space (Col. 14, lines 1-13). This method will be repeated as typically multiple commercials are shown in the local content space in between programming, so therefore Picco reads on "assembling a personalized message".

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 20 is rejected under 35 U.S.C. 102(e) as being anticipated by Ficco (U.S. 2005/0166224).

Regarding Claim 20, Ficco discloses a method (figure 5) for delivering a plurality of different messages over a television transmission network (¶ 21 and 36), comprising: creating a plurality of different media segments (¶ 36), wherein said different media segments include incomplete sections of a complete non-interactive message (¶21), and wherein at least one subset of said media segments are a same length (¶ 46). Ficco discloses broadcast feed 5 supplies broadcast content, such as a sitcom, along with advertisements or "plurality of different media segments". Ficco discloses the ad segments or "media segments" are incomplete as ad processor 80 can add or replace objects within the advertisement (¶ 59). Ficco further discloses common elements within

the receiver of figure 3 can perform the same operations as those shown in figures 1 and 2 (¶ 50).

Ficco discloses, transmitting said plurality of different media segments to a television signal receiver (figure 3), wherein all media segments in said at least one subset are transmitted simultaneously (¶ 36-37). Ficco discloses utilizing a designated channel or portion of the broadcast spectrum to deliver the advertising segments to memory, to facilitate transmitting at least one subset of media segments at the same time (¶ 37).

Ficco discloses, directing said television signal receiver (figure 3) to switch to one of said media segments in said subset as said media segments in said subset are received (¶ 63). Ficco discloses the user of a synchronization detector 50 to transmit a signal to multiplexer 100 when the beginning of an adaptable broadcast advertisement is detected. The multiplexer can then synchronize the processed ad from ad processor 80 to produce a seamless broadcast on display 70.

4. Claim 21 is rejected under 35 U.S.C. 102(e) as being anticipated by Klosterman et al. "Klosterman" (U.S. 2001/0013124).

Regarding Claim 21, Klosterman discloses a method for delivering a plurality of different non-interactive messages over a television transmission network (¶ 37), comprising: creating a plurality of different video and audio segments, wherein said different media segments include incomplete sections of a complete non-interactive

message (¶ 38). Klosterman discloses the head end 110 delivering a complete non-interactive message on Channel A and providing different media segments that include incomplete sections of the non-interactive complete message on Channel B. Klosterman further discloses this Channel change process is done without the viewer even noticing (¶ 31).

Klosterman discloses transmitting a plurality of television programs to a television signal receiver, wherein said plurality of television programs have at least one synchronized commercial break (¶ 39). Klosterman discloses head end 110 delivers Channels A and B to a user where Channel A is the Channel the user is currently viewing and Channel B delivers the alternative advertisement and or television programming synchronized in time with Channel A's delivery of advertising (¶ 39).

Klosterman discloses, during said synchronized commercial break, transmitting said plurality of different media segments to said television signal receiver, wherein all media segments in said at least one subset are transmitted simultaneously (¶ 38-39). Klosterman discloses head end 110 transmits a Channel change request to the television in the VBI 325 of this signal directing the TV to tune to Channel B to receive the subset of media segments.

Klosterman discloses, directing said television signal receiver to switch to one of said media segments in said subset as said media segments in said subset are received (¶42). Klosterman discloses if a commercial break is detected, head end 110 sends a Channel change command to the viewer's TV through the VBI 325 in order to direct the TV to change Channels.

Klosterman discloses, wherein after said synchronized commercial break, said television signal receiver switches to a previously selected television program (¶ 42). Klosterman discloses the head end monitors Channel A in order to determine when the commercial break is over in order to instruct the TV to change back to Channel A from Channel B.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-6, 8-9, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ten Kate et al. "Ten Kate" (U.S. 6,601,237) in view of Ficco (U.S. 2005/0166224).

Regarding Claim 1, Ten Kate discloses a method for allowing the creation of a plurality of non-interactive personalized messages to be viewed by an intended audience comprising: creating a personalized message template (CH-V – figure 4) comprising a plurality of slots in sequence wherein a plurality of different segments (R1, R2, R3, A1, A2, B1, B2, etc. – figure 4) are insertable into at least one of said slots (Col. 6, lines 23-32).

Ten Kate teaches, providing a plurality of data streams (CH-A, CH-B – figure 4) to a receiving unit (figure 1) each data stream delivering a different one of said plurality of segments (R1, R2, R3, A1, A2, B1, B2, etc. – figure 4) for said at least one of said slots wherein said segments are synchronized to begin and end at substantially the same time (Col. 6, lines 47-62).

However, Ten Kate fails to disclose providing content selection information regarding content of said plurality of data streams to said receiving unit said information including switch times for said plurality of synchronized segments, to allow said receiving unit to select among said plurality of data streams for one of said segments for said particular slot, to assemble a non-interactive personalized message.

In an analogous art, Ficco discloses providing content selection information (50 – figure 3) regarding content of said plurality of data streams to said receiving unit (100 – figure 3) said information including switch times for said plurality of synchronized segments, to allow said receiving unit to select among said plurality of data streams for one of said segments for said particular slot, to assemble a non-interactive personalized message (¶ 63). Ficco discloses the synchronization detector 50 detects the start of a commercial and notifies multiplexer 100 (¶ 72), which uses this information to know when to insert a processed ad. This disclosure reads on providing content selection information, including switch times for synchronized segments. Further, Ficco discloses multiplexer 100 will then use this information to insert a processed ad from ad processor 80 (¶ 73), which reads on allowing the receiving unit to select among said plurality of data streams to assemble a personalized message. Accordingly, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate with the teachings of Ficco in order to facilitate providing content selection information regarding content of said plurality of data streams to said receiving unit said information including switch times for the benefit of providing a broadcast advertisement that is highly individualized to a particular person and using the switch times in order to create the message on-the-fly (Ficco - ¶5).

As for Claim 2, Ten Kate and Ficco disclose, in particular Ficco teaches, [the] receiving unit selects among said plurality of data streams in real time (¶ 72-73). Ficco discloses sending a signal to multiplexer 100 notifying the receiver that a commercial has been detected (230 – figure 5) and the receiver then determines which commercial is to be inserted and whether to commercial should be further adapted to the user (250 – figure 5). Therefore, Ficco discloses the receiving unit must select from a plurality of data streams in real time.

As for Claim 3, Ten Kate and Ficco disclose, in particular Ficco teaches, wherein said personalized message is viewed by a viewer as it is assembled (¶ 72-73). Since the commercial is viewed in real-time and the ad processor 80 can either add or delete things from the ad (¶ 59), the commercial must be viewed by the viewer as it is assembled.

As for Claim 4, Ten Kate and Ficco disclose, in particular Ten Kate teaches, wherein said receiving unit (figure 1) selects among said plurality of data streams (Ch-A, CH-B – figure 2) based on said content selection information and information about a viewer who will view said personalized message (Col. 6, lines 8-11).

As for Claim 5, Ten Kate and Ficco disclose, in particular Ficco teaches, providing a data stream with a default personalized message to allow said receiving unit to display said default personalized message without selecting between said plurality of data streams (¶ 73). Ficco discloses when a message is selected; a decision is made as to whether the message needs to be better adapted to the viewer.

As for Claim 6, Ten Kate and Ficco disclose, in particular Ten Kate teaches, wherein said plurality of data streams are MPEG encoded data streams (Col. 3, lines 39-41 and 61-64).

As for Claim 8, Ten Kate and Ficco disclose, in particular Ten Kate teaches segments comprising incomplete parts of a personalized message (R1, R2, R3, A1, A2, B1, B2, etc. – figure 4) (Col. 6, lines 47-62). As shown by figure 4, Ten Kate teaches media segments (R1, R2, R3, A1, A2, B1, B2, etc. – figure 4) can be used to fill the gaps within the virtual channel CH-V.

As for Claim 9, Ten Kate and Ficco disclose, in particular Ten Kate teaches, wherein said receiving unit is a set top box (Col. 6, line 66 – Col. 7, line 2).

As for Claim 15, Ten Kate and Ficco disclose, in particular Ten Kate teaches, further including a plurality of templates (CH-V – figure 4) for creating said personalized messages (Col. 3, lines 13-16), wherein said templates include video sequence templates and audio sequence templates (Col. 3, lines 50-55).

Regarding Claim 16, Ten Kate discloses a system for distributing a plurality of multimedia non-interactive personalized messages to be viewed by a plurality of end users, said system comprising: a personalized message template (CH-V – figure 4) comprising a plurality of slots in sequence (figure 4; Col. 6, lines 57-51).

Ten Kate further discloses, a plurality of media segments (R1, R2, R3, A1, A2, B1, B2, etc. – figure 4) for said slots, wherein at least one of said slots can include one of a plurality of different media segments, with all media segments for a particular slot being a same length (Col. 6, lines 51-62). Ten Kate discloses the schedule module 16 selects the media segment that is of most interest to the user as well as will fill the gap (Col. 6, lines 8-32).

However, Ten Kate fails to disclose a plurality of data streams transmitting said media segments, wherein said plurality of data streams transmit all media segments for one of said slots in at a same time, wherein one of said data streams transmits content selection information regarding content of said plurality of data streams said information

including switch times for allowing a receiving unit to switch among said plurality of data streams to select a particular media segment at a particular time, to assemble a non-interactive personalized message.

In an analogous art, Ficco discloses a plurality of data streams (figure 4) transmitting said media segments, wherein said plurality of data streams transmit all media segments for one of said slots in at a same time (¶ 52). Ficco disclose multiplexer 100 receives data streams from the broadcast feed 5, point-to-point feed 10, buffer 90, and synchronization detector 50 (figure 3; ¶ 51-52), which reads on transmitting said media segments for one of said slots at the same time.

Ficco further teaches, wherein one of said data streams transmits content selection information regarding content of said plurality of data streams said information including switch times for allowing a receiving unit to switch among said plurality of data streams to select a particular media segment at a particular time, to assemble a non-interactive personalized message (¶ 63). Ficco discloses the synchronization detector 50 detects the start of a commercial and notifies multiplexer 100 (¶ 72), which uses this information to know when to insert a processed ad. This disclosure reads on providing content selection information, including switch times for synchronized segments. Further, Ficco discloses multiplexer 100 will then use this information to insert a processed ad from ad processor 80 (¶ 73), which reads on allowing the receiving unit to select among said plurality of data streams to assemble a personalized message. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate with the teachings of Ficco in order to facilitate

providing content selection information regarding content of said plurality of data streams to said receiving unit said information including switch times for the benefit of providing a broadcast advertisement that is highly individualized to a particular person and using the switch times in order to create the message on-the-fly (Ficco - ¶5).

7. Claims 7, 10-13, and 17-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ten Kate in view Ficco as applied to claims 1 and 16 above, and further in view of Picco (U.S. 6,029,045).

As for Claim 7, Ten Kate and Ficco are silent on disclosing wherein said plurality of data streams are multiplexed into a transport stream.

In an analogous art, Picco discloses, wherein said plurality of data streams (106, 108 – figure 5) are multiplexed into a transport stream as seen in figure 5, multiplexer 140 combines live feeds 106 with a plurality of local content 108 to form a single transport stream. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Ten Kate and Ficco with the teachings of Picco in order to facilitate the plurality of data streams are multiplexed into a transport stream for the benefit of providing an individualized local content in a digital stream by transmitting to the user a single multiplexed data stream (Picco - Col. 2, lines 42-44).

As for Claim 10, Ten Kate and Ficco fail to explicitly disclose, wherein said set top box can receive both analog data streams and digital data streams, and wherein said set top box momentarily switches from an analog data stream to a digital data stream to play out a personalized message.

In an analogous art, Picco discloses [the] set-top box (120 – figure 7) can receive both analog data streams and digital data streams (Col. 14, lines 62-67). Picco discloses the system may be used with a cable-based digital data broadcast system, a satellite or cable-based analog data broadcast system, a digital data broadcast system that uses a computer network, such as the Internet, a wireless cable (i.e., microwave) broadcast system, or a terrestrial broadcast system to communicate the digital data to the viewer. Picco teaches wherein said set top box (120 - figure 7) momentarily switches from an analog data stream to a digital data stream to play out a personalized message (Figure 11). Picco discloses a user can switch from receiving analog cable or satellite data broadcast and receive digital data broadcast by using the Internet (Col. 14, lines 17-41). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate and Ficco with the teachings of Picco in order to facilitate the set-top box receiving both analog data streams and digital data streams for the benefit of providing an individualized local content in an analog and digital stream to facilitate providing multiple media segments (Picco - Col. 2, lines 42-44).

As for Claim 11, Ten Kate, Ficco, and Picco disclose, in particular Picco teaches wherein said set top box (120 – figure 7) switches from an analog data stream to a digital data stream triggered by VBI data (Col. 5, lines 49-54). Picco discloses within each PID, there is a television signal 70 that includes a data stream 72 containing the television programming data and a local content space 74. The local content space is typically a blank spot or "VBI data" in the data stream where an operator of the satellite system may add local content [74] into the data stream.

As for Claim 12, Ten Kate and Ficco fail to explicitly disclose wherein said set top box momentarily switches from a first digital data stream to a second digital data stream to play out a personalized message.

In an analogous art, Picco discloses wherein said set top box momentarily switches from a first digital data stream to a second digital data stream to play out a personalized message (figure 10; Col. 14, lines 1-13). Picco teaches, set-top box 120 receives digital satellite broadcast and if local content is to be inserted, CPU 188 selects local content, based on user preferences, stored on disk 186 and provides local digital content to audio/video splicers. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate and Ficco with the teachings of Picco in order to facilitate the set-top box momentarily switches from a first digital data stream to a second digital data stream to play out a personalized message for the benefit of providing an individualized local content by switching

between a first and a second digital stream to facilitate providing multiple media segments for the set-top box to select from (Picco - Col. 2, lines 42-44).

As for Claim 13, Ten Kate and Ficco fail to explicitly disclose wherein said set top box receives a plurality of television channels over said data streams, and said channels include programs including a synchronized commercial break; and during said synchronized commercial break; said data streams deliver segments to create a personalized message for display irrespective of which channel said set top box had selected.

In an analogous art, Picco teaches wherein said set top box receives a plurality of television channels over said data streams as taught in column 6, lines 19-23 the receiver 116 includes a receiving antenna 118 and a set-top box 120. The antenna receives the satellite signal which is digital and the set-top box processes the digital signal in order to display a selected channel on a television receiver 122.

Picco goes on to teach said channels include programs including a synchronized commercial break as seen in figure 2, the local content space [74] is typically a blank spot in data stream [70] where an operator of the satellite system may add local content into data stream [70] during programming [72] (column 5, lines 52-54).

Picco teaches during said synchronized commercial break, said data streams deliver segments to create a personalized message for display irrespective of which channel said set top box had selected as seen in figure 10, where programming data

[72] is displayed and if a local content space [74] is located, local content [74] from disk [186] is inserted into the data stream [70].

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate and Ficco with the teachings of Picco in order to facilitate the set top box receiving a plurality of television channels over said data streams, and said channels include programs including a synchronized commercial break for the benefit of providing an individualized local content by switching between channels within a digital stream to facilitate providing multiple media segments for the set-top box to select from (Picco - Col. 2, lines 42-44).

As for Claim 17, Ten Kate and Ficco fail to explicitly disclose wherein said receiving unit switches between analog data streams and digital data streams to assemble said personalized message.

In an analogous art, Picco teaches wherein said receiving unit switches between analog data streams and digital data streams to assemble said personalized message (Col. 14, lines 62-67). Picco discloses the system may be used with a cable-based digital data broadcast system, a satellite or cable-based analog data broadcast system, a digital data broadcast system that uses a computer network, such as the Internet, a wireless cable (i.e., microwave) broadcast system, or a terrestrial broadcast system to communicate the digital data to the viewer. As taught by figure 10, when the set-top box 120 receives a satellite or cable-based analog data broadcast, can switch from programming [72] to digital local content [74]. Therefore, the set-top box can receive an

analog data broadcast [70] and insert digital local content [74] into blank spots in the broadcast designated for local content [74]. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate and Ficco with the teachings of Picco in order to facilitate the set-top box receiving both analog data streams and digital data streams for the benefit of providing an individualized local content in an analog and digital stream to facilitate providing multiple media segments (Picco - Col. 2, lines 42-44).

As for Claim 18, Ten Kate and Ficco fail to explicitly disclose wherein said receiving unit switches between a first digital data stream to at least one second digital data stream to assemble said personalized message.

In an analogous art, Picco teaches wherein said receiving unit switches between a first digital data stream to at least one second digital data stream to assemble said personalized message (figure 10; Col. 14, lines 1-13). Picco teaches, set-top box 120 receives digital satellite broadcast and if local content is to be inserted, CPU 188 selects local content, based on user preferences, stored on disk 186 and provides local digital content to audio/video splicers. Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate and Ficco with the teachings of Picco in order to facilitate the set-top box momentarily switches from a first digital data stream to a second digital data stream to play out a personalized message for the benefit of providing an individualized local content by switching

between a first and a second digital stream to facilitate providing multiple media segments for the set-top box to select from (Picco - Col. 2, lines 42-44).

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ten Kate in view of Ficco as applied to claim 1 above, and further in view of Kunkel et al. "Kunkel" (US 2002/0056093).

As for Claim 14, Ten Kate and Ficco fail to disclose including transition segments, which are inserted into said personalized message between said segments. In a related art pertaining to video distribution, Kunkel teaches the use of sending I-frames continuously at the beginning of each targeted ad, so that the set top box tuners can quickly acquire the signal. Similarly, a continuous stream of I-frames is provided for the last few seconds of the default advertisement to enable the tuners to quickly reacquire the original channel once the targeted advertisement has concluded (page 4, ¶ 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate and Ficco with the teachings of Kunkel in order to facilitate providing transition segments, which are inserted into personalized message between segments for the benefit of facilitating seamless transitions between advertisements and original programming (Kunkel - ¶ 31).

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ten Kate in view of Picco.

Regarding Claim 19, Ten Kate discloses a system for distributing a plurality of multimedia personalized messages to a plurality of end viewers, said system comprising: a means (15 - figure 1) for creating a personalized message template (CH-V – figure 4) with plurality of slots (Col. 4, line 67 – Col. 5, line 7).

However, Ten Kate fails to disclose a means for creating a plurality of media segments, said media segments for use in said slots; a transmission means for transmitting said media segments, wherein said media segments for a particular slot in said personalized message are transmitted at a same time; and a means for providing content information to allow a receiving unit to select one of said media segments at a particular time, to assemble said personalized message.

In an analogous art, Picco teaches a means (102 – figure 4) for creating a plurality of media segments, said media segments for use in said slots as seen in figure 4, database structure 146 stores a plurality of advertising segments that may be inserted into local content spaces 74 (Col. 6, lines 59-61).

Picco teaches a transmission means (110 – figure 4) for transmitting said media segments, wherein said media segments for a particular slot in said personalized message are transmitted at a same time as seen in figure 4, local content streams 108 are multiplexed with live feeds 106 into a single transport stream transmitted to transmitter 144 which uses uplink antenna 110 to deliver the signal to a receiving set-top box 120.

Picco teaches a means (110 – figure 4) for providing content information to allow a receiving unit to select one of said media segments at a particular time, to assemble said personalized message is met by the combiner [110]. Combiner 110 may combine a plurality of user-specific information in the satellite signal including a private data identification code that permits the set-top box in accordance with the invention to locate the private data being transmitted through the satellite (Col 8, lines 23-28). The private data may include command and control data that instructs the processor within the set-top box how to insert the local content into the satellite data streams (Col. 8, lines 36-39). The received information by the set-top box, is used to know when and how to insert the personalized content for the end receiver.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Ten Kate with the teachings of Picco in order to facilitate a creation means, transmission means, and providing means for the benefit of providing an individualized local content stream to an end user (Picco - Col. 2, lines 42-44).

Note to Applicant

10. Art Units 2611, 2614 and 2617 have changed to 2623. Please make sure all future correspondence indicate the new designation 2623.

Conclusion

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM EST to 4:30 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Examiners Initials: CLP
April 14, 2006

CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600